

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Formal ) Application No. FC-1332  
Complaint of Orbitcom, Inc., )  
Sioux Falls, South Dakota, )  
seeking a determination that )  
AT&T Communications of the ) ORDER SETTING PROCEDURAL  
Midwest, Inc., Denver, Colorado, ) SCHEDULE AND NOTICE OF  
failed to pay intrastate access ) HEARING  
charges billed by Orbitcom in )  
accordance with Orbitcom's )  
intrastate switched access )  
tariff. )  
In the Matter of the Formal ) Application No. FC-1335  
Complaint of AT&T Communications )  
of the Midwest, Inc., Denver, )  
Colorado, seeking a )  
determination that OrbitCom, )  
Inc., Sioux Falls, South Dakota, )  
failed to negotiate Intrastate )  
Access Charges and that )  
OrbitCom's tariffed Intrastate )  
Switched Access Rates are unfair )  
and unreasonable. ) Entered: June 16, 2009

BY THE HEARING OFFICER:

On February 27, 2009, a Formal Complaint was filed with the Nebraska Public Service Commission ("Commission") by Orbitcom, Inc., ("Orbitcom") Sioux Falls, South Dakota, seeking a determination that AT&T Communications of the Midwest, Inc., ("AT&T") Denver, Colorado, failed to pay intrastate access charges billed by Orbitcom in accordance with Orbitcom's intrastate switched access tariff. That Formal Complaint was docketed by the Commission as Application No. FC-1332. On April 30, 2009, AT&T filed the above-captioned Formal Complaint against OrbitCom with the Commission, that was docketed as Application No. FC-1335. On May 1, 2009, AT&T filed a Motion to Consolidate the above-captioned proceedings pursuant to Commission Rules of Procedure, the motion was granted by the Commission in an order issued on May 12, 2009.

**Planning Conference**

A planning conference was held in the above-captioned dockets on June 11, 2009, at 1:30 p.m. in the Commission Niobrara Conference Room, 300 The Atrium, 1200 N Street, Lincoln; Nebraska, and via telephone conference with representatives of the Parties and the Commission. The following persons were present at the conference: for AT&T, Loel Brooks of Brooks, Pansing Brooks, PC, LLO; for OrbitCom,

Mark Fahleson and Troy Kirk of Rembolt Ludtke, LLP; and for the Commission, Nichole Mulcahy, Legal Counsel for the Commission and Gene Hand, Director of the Commission's Communications Department. Participating via telephone, for AT&T, Melanie McIntyre, Wauneta Browne, and Victor Liss; and for the Commission, Commissioner Tim Schram.

As a result of the planning conference, several issues were decided. Therefore, this order serves to memorialize those decisions and to provide a timeline for proceeding in this docket.

### Deadlines

Deadlines for various events were established and are set forth in Appendix A.

### Service

All parties shall file all documents on all parties of record. All parties shall file all documents in electronic, Microsoft WORD compatible format via email with paper copies sent via mail to follow.

Parties are encouraged to engage in negotiations; however, the conduct of negotiations does not relieve the parties of their obligation to meet filing deadlines.

### Hearing

A Hearing in Application Nos. FC-1332 and FC-1335 will be held on Wednesday, **September 16, 2009**, at 9:30 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska, continuing to September 17, 2009, as necessary.

### Hearing Accommodations

If auxiliary aids or reasonable accommodations are needed for attendance at the meeting, please call the Commission at (402) 471-3101. For people with hearing/speech impairments, please call the Commission at (402) 471-0213 (TDD) or the Nebraska Relay System at (800) 833-7352 (TDD) or (800) 833-0920 (Voice). Advance notice of at least seven days is needed when requesting an interpreter.

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that the deadlines and requirements established in this order and attached hereto are hereby adopted.

IT IS FURTHER ORDERED that a hearing in Application Nos. FC-1332 and FC-1335 will be held on **September 16, 2009**, at 9:30 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska, continuing to September 17, 2009, as needed.

MADE AND ENTERED in Lincoln, Nebraska, on this 16<sup>th</sup> day of June, 2009.

BY:



Tim Schram  
HEARING OFFICER

## APPENDIX A

PROCEDURAL SCHEDULE

<u>DAY</u>	<u>DATE</u>	<u>EVENT</u>
Monday	July 6	Initial Discovery Requests filed
Friday	July 10	Objections/Motions to Compel Discovery Requests filed
Tuesday	July 14	Oral Arguments on Objections/Motions to Compel Discovery (if necessary)
Thursday	July 30	Responses to Initial Discovery Requests filed
Wednesday	August 12	Direct Testimony Filed
Wednesday	August 19	Discovery Requests on Direct Testimony filed (if necessary)
Tuesday	September 1	Responses to Discovery Requests on Direct Testimony filed (if necessary)
Wednesday	September 9	Rebuttal Testimony, Hearing Exhibits filed
Friday	September 11	Deadline to file Pre-hearing Motions
Wednesday	September 16	Hearing
Thursday	September 17	Hearing (if necessary)